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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,839	07/20/2006	Francois Lacombe	1606.75588	3455
24978 7590 02/19/2008 GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606				
EXAMINER HASAN, MOHAMMED A				
ART UNIT		PAPER NUMBER		
2873				
MAIL DATE		DELIVERY MODE		
02/19/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/586,839

Applicant(s)

LACOMBE ET AL.

Examiner

Mohammed Hasan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-18 is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

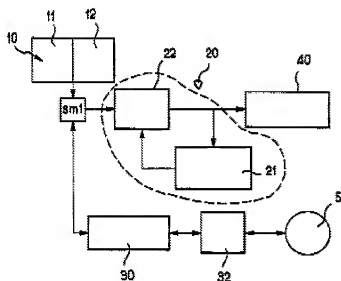
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 13 are reject under 35 U.S.C. 102(b) as being anticipated by Le Gargasson et al (6,588,900 B1).

Regarding claim 1, Le Gargasson et al discloses (refer to figures 1 and 2) sighting device for examining the eye (5) of a subject comprising at least moving target (CA,CB) having a programmable shape , target being displayed on viewing means and visible by at least one eye (5) of subject during the examination period (column 5, lines 55-67).

FIG. 1

Regarding claim 2, Le Gargasson et al. discloses characterized in that it also comprises means for moving target so as to alternate fixation intervals on a given position with intervals termed rest on one or more other positions (as shown in figure 1).

Regarding claim 3, Le Gargasson et al. discloses characterized in that it also comprises means for adjusting the duration of the fixation intervals (as shown in figure 1, moving target 20).

Regarding claim 4, Le Gargasson et al. discloses characterized in that it also comprises means for adjusting the diversity of the rest positions (as shown in figure 1).

Regarding claim 5, Le Gargasson et al. discloses characterized in that it also comprises means for adjusting the duration of the rest positions as shown in figure 1).

Regarding claim 6, Le Gargasson et al discloses characterized in that it also comprises means for controlling (22) a continuous movement of a moving target (as shown in figure 1).

Regarding claim 7, Le Gargasson et al discloses (refer to figures 1 and 2) sighting device for examining the eye (5) of a subject comprising a display on the viewing means during the examination period, of at least one moving target (CA,CB) having a programmable shape and trajectory and visible by at least one eye of subject(column 5, lines 55-67).

Regarding claim 8, Le Gargasson et al discloses characterized in that it also comprises means for moving target so as to alternate fixation intervals on a given position with intervals termed rest on one or more other positions (as shown in figure 1).

Regarding claim 9, Le Gargasson et al discloses characterized in that it also comprises means for adjusting the duration of the fixation intervals (as shown in figure 1).

Regarding claim 10, Le Gargasson et al discloses characterized in that it also comprises means for adjusting the diversity of the rest positions (as shown in figure 1).

Regarding claim 11, Le Gargasson et al discloses characterized in that it also comprises means for adjusting the duration of the rest positions (as shown in figure 1).

Regarding claim 12, Le Gargasson et al discloses characterized in that it also comprises means for controlling (21) a continuous movement of a moving target (as shown in figure 1).

Regarding claim 13, Le Gargasson et al discloses characterized in that the tracking of the movements of the eye to be examined is carried out by imaging using a non-visible spectrum (as shown in figure 2).

Allowable Subject Matter

2. Claims 14-18 are allowed.
3. The following is an examiner's statement of reasons for allowance: The prior art taken either singularly or in a combination fails to anticipate or fairly suggest the limitations of the independent claims, in such a manner that rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claim 14 , which include a system for examining the eye by in vivo tomography having a tomography device including a Michelson interferometer producing a full field optical coherence tomography OCT set up and arranged downstream of the interferometer capable of carrying out without synchronous modulation or detection according to OCT principle.

Response to Arguments

4. Applicant's arguments filed 12/10/2007 have been fully considered but they are not persuasive.
5. In response to applicant argument Le Gargasson et al discloses (refer to figures 1 and 2) sighting device for examining the eye (5) of a subject comprising at least moving target (CA,CB) having a programmable shape , target being displayed on

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viewing means and visible by at least one eye (5) of subject during the examination period (column 5, lines 55-67) ,also figures 1 and 2 give detail description about moving target(CA,CB).

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L Mack can be reached on (571) 272- 2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammed Hasan/
Primary Examiner, Art Unit 2873
2/12/2008